

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BALBIR SINGH, )  
Plaintiff, )  
v. ) Civil Action No.: 05-11671-GAO  
MGI PHARMA, INC., and )  
MGI PHARMA BIOLOGICS, f/k/a )  
ZYCOS, INC. )  
Defendants. )  
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)

**JOINT STATEMENT**

Pursuant to the Notice of Scheduling Conference and Local Rule 16.1(D), the plaintiff, Dr. Balbir Singh (“Dr. Singh”) and defendants MGI Pharma, Inc. (“MGI Pharma”) and MGI Pharma Biologics, f/k/a Zycos, Inc., provide the following joint statement to the Court.

**I. Discovery and Motion Schedule**

1. Automatic disclosures required by Local Rule 26.2(A) shall be made by November 10, 2005.
2. Motions for joinder or to amend pleadings shall be filed by March 30, 2006.
3. All expert witnesses shall be designated by May 31, 2006.
4. Expert reports on an issue for which a party bears the burden of proof shall be served no later than June 30, 2006.
5. Rebuttal expert reports shall be served no later than July 28, 2006.
6. All written discovery requests shall be served by July 31, 2006.

7. All depositions shall be completed by September 29, 2006.
8. All motions pursuant to Fed. R. Civ. P. 56 shall be filed by October 20, 2006.
9. All oppositions to Rule 56 motions shall be served by November 17, 2006.
10. A status conference shall be held on December 7, 2006, or some other date convenient for the Court.
11. A final pre-trial conference shall be held on January 30, 2007 or some other date convenient for the Court.

The parties do not believe phased discovery is necessary in this action.

## **II. Certifications**

Counsel for the parties will separately file certifications as required by Local Rule 16.1(D)(3).

Respectfully submitted,

MGI PHARMA BIOLOGICS, f/k/a  
ZYCOS, INC.  
By its attorneys,

/s/ Andrew R. McGaan  
Andrew R. McGaan, P.C.  
Jamenda A. McCoy  
Kirkland & Ellis, LLP  
200 East Randolph Drive  
Chicago, IL 60601  
(312)-861-2000

Respectfully submitted,

BALBIR SINGH  
By his attorneys,

/s/ C. Alex Hahn  
Joseph L. Stanganelli (BBO #628958)  
C. Alex Hahn (BBO #634133)  
Scibelli, Whiteley and Stanganelli, LLP  
50 Federal Street, 5<sup>th</sup> Floor  
Boston, MA 02110  
(617)-227-5725

MGI PHARMA, INC.  
By its attorneys,

/s/ Daniel T.S. Heffernan

Daniel T.S. Heffernan  
Kotin, Crabtree & Strong, LLP  
One Bowdoin Square  
Boston, MA 02114  
(617)-227-7031

Christopher T. Shaheen  
Dorsey & Whitney, LLP  
50 S. Sixth Street  
Suite 1500  
Minneapolis, MN 55402  
(612)-340-2886

Dated: November 9, 2005